

IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	
)	
CRAIG L. WHITE and VONNIE D. WHITE,)	
)	CASE NO. BK12-42639-TJM
Debtor(s).)	
WEBSTER CAPITAL FINANCE, INC.,)	A12-4106-TJM
formerly known as Center Capital Corporation,)	
)	8:12CV47
Plaintiff(s),)	
)	
vs.)	CHAPTER 7
)	
WHITE FARMS TRUCKING, INC.;)	
TRIPLE C TRANSPORT, LLC;)	
CRAIG CARRIER CORP., LLC;)	
CRAIG WHITE; and VONNIE WHITE,)	
)	
Defendant(s).)	

REPORT and RECOMMENDATION

This matter is before the court on the status reports filed by the plaintiff (Fil. No. 3) and the defendants (Fil. No. 4).

The litigation involves allegations of breach of contract and breach of guaranty by the defendants in failing to pay pursuant to the terms of loans and security agreements executed by defendant Craig White to finance the lease of commercial vehicles. Defendants Craig and Vonnice White filed a Chapter 7 bankruptcy petition which automatically stayed all actions against them and caused the district court to refer the lawsuit to this court for further proceedings.

Having reviewed the parties' status reports, I find that all of the defendants are necessary parties to the litigation, so the lawsuit should go forward against all of them. However, as to the debtors, the matter is limited to liquidating the plaintiff's claim. The automatic stay remains in effect to prohibit any collection activity against the debtors.

For these reasons, I respectfully recommend to the United States District Court for the District of Nebraska that it withdraw the reference of this adversary proceeding to move forward with the parties' litigation.

The Clerk of the Bankruptcy Court shall process this recommendation pursuant to the local court rules.

DATED: February 8, 2013

RESPECTFULLY SUBMITTED,

/s/ Timothy J. Mahoney
United States Bankruptcy Judge

Notice given by the Court to:

Galen E. Stehlik
Michael J. Mullen
Christopher J. Tjaden
Michael J. Whaley
U.S. Trustee